

REMARKS

Claims 1-11 are all of the claims presently pending in the application. Claim 1 has been merely editorially amended and has not been substantively amended to more particularly define the claimed invention. New claims 10 and 11 have been added to provide more varied protection for the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 1-9 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, first paragraph and second paragraph.

Furthermore, Applicants gratefully acknowledge the Examiner's indication that none of the prior art (taken alone or in combination) teaches or suggests "a clutch torque correction that is only used up to a preset value of wheel slip and where the torque after the preset value is calculated using the torque value from before the preset value in addition to a second value" (see Office Action dated January 4, 2006 at page 5, numbered paragraph 10).

Claims 1-9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

These rejections are respectfully traversed in view of the following discussion.

I. THE 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION

Claims 1-9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner alleges that the specification does not include an adequate explanation of a “smooth transfer from the first slip control area to the second slip control area” (see Office Action dated January 4, 2006 at page 4, numbered paragraph 4). The Examiner, however, is clearly incorrect.

Applicants respectfully point out that the written description requirement may be satisfied by any section of the originally filed Application including the drawings and the claims. Therefore, the M.P.E.P. clearly states that “[t]here is a strong presumption that an adequate written description of the claimed invention is present when the application is filed” (see M.P.E.P. § 2163) (emphasis added by Applicants).

However, an original claim may be rejected for failing to comply with the written description requirement “when an aspect of the claimed invention has not been described with sufficient particularity such that one skilled in the art would recognize that the applicant had possession of the claimed invention” (see M.P.E.P. § 2163) (emphasis added by Applicants). The M.P.E.P. states that the “claimed invention as a whole may not be adequately described if the claims require an essential or critical feature which is not adequately described in the specification and which is not conventional in the art or known to one of ordinary skill in the art” (see M.P.E.P. § 2163) (emphasis added by Applicants).

Applicants respectfully submit that the Examiner's rejection based on a failure to comply with the written description is clearly erroneous for several reasons. First, the feature which the Examiner alleges is not supported by the written description, "smooth transfer from the first slip control area to the second slip control area" is not recited in the claimed invention. As indicated above, the basis for a rejection under 35 U.S.C. § 112, first paragraph, is whether the claimed invention is adequately described by the written description. The feature which the Examiner alleges is not adequately described is not recited in the claimed invention. Therefore, the Examiner's rejection is clearly erroneous.

Furthermore, as indicated above, since claims 1-9 are original claims, there is a presumption that the written description has been met. Therefore, the burden is on the Examiner to provide evidence that the claims require an essential or critical feature which is not adequately described in the specification. The Examiner has clearly not met this initial burden because the Examiner has not even alleged a feature of the claims that is not adequately described in the specification.

Furthermore, Applicants respectfully submit that each and every feature recited in the claims is adequately described in the specification. For example, claim 1 recites "means for calculating an indicated value", "means for correcting the indicated value" and "means for calculating the indicated value to the coupling force of said transfer clutch when transferring to a second area". Each of these features (in addition to being claimed in the original claims) is clearly shown in the drawings, and described in the summary of the invention and the detailed description of the original Application. Therefore, there is clearly an adequate written description of the claimed invention.

Moreover, it is noted that in the second slip control area that the indicated value to the coupling force of the transfer clutch is not calculated only from the indicated value according to the wheel slip quantity in the second area. Rather, taking into account the indicated value in the first area, the indicated value to the coupling force of the transfer clutch in the second area is calculated. Hence, a “smooth transfer from the first area to the second area” is ensured.

The Examiner asserts that “... the coupling force goes from a corrected first value to an uncorrected first value plus a second value...”. However, it is noted that in the second slip control area that a value of the indicated value according to the wheel slip quantity with the indicated value in the first area added thereto has been made the indicated value to the coupling force of the transfer clutch. Hence, “the coupling force goes from a corrected first value to the corrected first value plus a second value” is a part of the invention in accordance with claim 1 of the present application.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

The Examiner has rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner alleges that the limitation “the wheel slip quantity” in claim 1 lacks sufficient antecedent basis.

Applicants respectfully submit that claim 1 has been amended to provide proper antecedent basis for the term “wheel slip quantity”. That is, the phrase “the wheel slip quantity” has been replaced with the phrase “a wheel slip quantity”.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. NEW CLAIMS

New claims 10 and 11 have been added to provide more varied protection for the claimed invention and to claim additional features of the invention. These claims are independently patentable because of the novel features recited therein.

Applicants respectfully submit that new claims 10 and 11 are patentable over the cited prior art references at least based on reasons similar to those provided above regarding claims 1-9.

IV. CONCLUSION

Regarding the Examiner's objections to the Drawings, Applicants respectfully submit that every feature of the claimed invention is shown in the Drawings. The Examiner alleges that "the calculation of the indicated value in the second area as a function of indicated value according to the slip in the second area plus the indicated value in the first area" is not shown in the drawings. The Examiner, however, is clearly incorrect.

Applicants respectfully submit that the Specification indeed discloses that "the control is transferred from the first slip control area to the second slip control area, and the process proceeds from step S102 to step S106. The indicated torque (the second slip control indicated torque) SVPTQ2 in the second slip control is calculated as a value of the indicated torque in the first slip control area added to the indicated torque according

to the slip quantity, and the process exits the routine” (see Application at page 16, lines 18-25).

Thus, “the calculation of the indicated value in the second area as a function of indicated value according to the slip in the second area plus the indicated value in the first area” is done in step S106, which is clearly depicted in Figure 3 of the Application.

Additionally, the Examiner has objected to Figure 4 because the Examiner alleges that “in figure 4 the vehicle speed varies from “0” to “0” along the bottom axis” (see Office action dated January 4, 2006 at page 3, numbered paragraph 2). The Examiner, however, is clearly incorrect.

The bottom axis of Figure 4, which corresponds to vehicle speed, merely provides an arrow showing that the vehicle speed may increase positively from “0”. This is explained in the Specification at page 10, which discloses that in Figure 4, “the higher the vehicle speed is, the closer the correction value TQVG_N is brought to 1.00” (see Specification at page 10, lines 9-10). Applicants submit that the vertical axis, which corresponds to the correction value, extends from “0” to “1”. This is explained in the Specification, which discloses that the correction value “has a value between 0.00 and 1.00” (see Application at page 9, lines 11-12).

Thus, the “0” (which the Examiner alleges represents an upper limit of the “bottom axis”) corresponds to a lower limit of the correction value, which is depicted in the vertical axis.

Finally, the Examiner alleges that the “correction label” in figure 2 “doesn’t seem to agree with the description” (see Office Action dated January 4, 2006 at page 3, numbered paragraph 2”. The Examiner, however, is clearly incorrect.

The Specification discloses that “the temporary indicated torque is obtained with the value proportional to the differential rotation between wheels as the maximum value in the first slip control area, and occurrence of a tight cornering brake phenomenon is prevented by correcting this temporary indicated torque by the correction value” (see Application at page 7, lines 20-25).

Therefore, in the discussion of Figure 2, the Application clearly explains that temporary indicated torque is obtained in accordance with a value obtained in the first slip control area. Furthermore, this temporary indicated torque is then corrected. The “correction” label in Figure 2 clearly corresponds to the area designated as the “first slip control area”. Therefore, Applicants respectfully submit that no further explanation of Figure 2 is required and the “correction” label clearly agrees with the description.

If the Examiner wishes to maintain his objection to Figure 2, Applicants respectfully request the Examiner to more clearly explain how the “correction” label does not agree with the description.

Furthermore, “the calculation of the indicated value in the second slip control area” is disclosed at step S106 in Figure 3. The “0”, which the Examiner deems represents an upper limit of the vehicle speed axis corresponds to a lower limit of the correction value, which is depicted in the vertical axis. As to the “correction label” in Figure 2, which the Examiner alleges does not seem to agree with the description, the Application clearly explains that it corresponds to the correction of the temporary indicated torque in the first slip control area.

Therefore, the Examiner is respectfully requested to reconsider and withdraw his objections to the drawings.

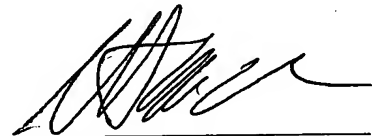
In view of the foregoing, Applicant submits that claims 1-11, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

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